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10/544,109	08/02/2005	Hirokatsu Miyata	03500.103094.	9440
5514 7590 12/22/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
DESAL, ANISH P				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. **Continuation of Box 11:**
2. **The Examiner appreciates detailed declaration under 37 CFR Section 1.132 submitted by Mr. Hirokatsu Miyata in response to the Examiner's query in the Advisory Action mailed on 07/02/08. However, the aforementioned declaration fails to overcome the art rejections based on Besson article for the following reasons:**
3. **It is respectfully submitted that a side by side comparison of film symmetry is necessary between the mesoporous film of Applicant and that of Besson. Specifically, it is noted that Applicant determines the local period structure of his/her film using X-ray diffraction analysis. Thus, the same technique should be utilized on Besson's mesoporous film to determine whether or not Besson's film has same symmetry as that of Applicant's mesoporous film.**
4. **Further, it is noted if the applicants are able to show that the structures are different. It would the examiners position that the substrate would have an effect on the nature of the crystal growth (pore formation) based on the fact that the prior art and applicants use very similar modes. Applicant has merely recited "substrate", whereas specification (e.g. examples) uses specific substrate (polyimide) and the prior art uses (glass). It is not clear that one would be able to practice the invention with in the scope of the invention as claimed. The applicants' claims may have to be more limited with respect to the nature of the substrate or provide additional evidence that other substrates can also provide the same result..**

Art Unit: 1794

5. **Accordingly, the Examiner respectfully submits that the declaration is not found persuasive.**

/Anish Desai/

Examiner, Art Unit 1794